
BZA- 1720
EDWARD J. AND CAROL A. PURDY
Appeal of Decision of Administrative Officer

STAFF REPORT
May 18, 2006

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REQUEST MADE:

Petitioners have appealed the decision of Administrative Officer, Ronald Highland, as it appears in the Report of Determination for Special Exception. The decision, made on April 26, 2006 states, "The intended use is for a ready-mixed concrete plant which the petitioners characterize as a temporary batch plant. A ready mixed concrete plant falls under SIC 3272 and/or SIC 3273 regardless of its temporary character, not SIC 1611 as stated in the petition for special exception. Uses under SIC 32 are not permitted in any Agricultural zones with or without a special exception. The petitioners' property would need to be rezoned to an Industrial classification (I1, I2, or I3) for the proposed use to be allowed."

PETITIONERS' STATEMENT OF APPEAL:

"Petitioners state that their Petition is proper under the Unified Zoning Ordinance of Tippecanoe County, Chapter 3-2 Permitted Use Table SIC Group 1611 foot note 9 'Permitted by special exception in designated rural zones as temporary batch plants only.' The proposed batch plant is wheeled and therefore portable and is temporary (that which is to last for a limited time only). The Petition states that the batch plant will be temporary and will be in place for only the duration of the mining operation, which is approximately 20 years."

REPRESENTATION:

Petitioners are represented by Daniel Teder and the Administrative Officer, Ronald Highland, by County Attorney, Douglas Masson. Presentations to the Board will be by the respective legal counsels; Staff will make no presentation.